

PHILLIP A. TALBERT  
United States Attorney  
NICHOLAS M. FOGG  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
EDISON SMALL,  
  
Defendant.

CASE NO. 2:22-CR-00218 DJC

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on May 18, 2023. Time was excluded under Local Code T4 until May 18, 2023.

2. By this stipulation, defendant now moves to set a change of plea for June 1, 2023, at 9:00 a.m., and to exclude time between May 18, 2023, and June 1, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes over 25,000 items including multiple surveillance videos, phone records, and reports.

All of this discovery has been either produced directly to counsel.

////

b) Counsel for defendant desires additional time to review discovery and review a plea offer with his client.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 18, 2023 to June 1, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 17, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ NICHOLAS M. FOGG  
NICHOLAS M. FOGG  
Assistant United States Attorney

Dated: May 17, 2023

/s/ DOUGLAS BEEVERS  
DOUGLAS BEEVERS  
Counsel for Defendant  
EDISON SMALL

**ORDER**

IT IS SO FOUND AND ORDERED this 17<sup>th</sup> day of May, 2023.

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE